

BEFORE THE BOARD OF ZONING ADJUSTMENT, D.C.

Application No. 12288 of Thomas Quimby, pursuant to Sub-section 8207.11 of the Zoning Regulations for an area variance from the rear yard requirements (3304.1 and 7107.22), to allow an addition to a non-conforming structure in the R-1-B District at 3401 34th Place, N.W. (Lot 51, Square 2076).

HEARING DATE: January 25, 1977

DECISION DATE: February 8, 1977

FINDINGS OF FACT:

1. The property is located in the R-1-B District.
2. Applicant proposes to build an addition to the rear of the structure which requires a variance of 13.71 feet.
3. The existing structure is currently non-conforming having a rear yard of 18.5 feet and 4,262.5 square feet of area.
4. Applicant attempted to demonstrate hardship on the grounds that his proposed addition was the only aesthetically acceptable addition.
5. There was no public opposition.

CONCLUSIONS OF LAW AND OPINION

Applicant seeks an area variance requiring a showing of hardships or peculiar or exceptional difficulties. The Board is of the opinion that the applicant has failed to make the required showing. It is therefore ORDERED that the application is hereby DENIED.

VOTE: 3-1 (Lilla B. Cummings, Esq., William F. McIntosh, Richard L. Stanton, Leonard L. McCants, Esq. voting to grant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: _____



ARTHUR B. HATTON

Secretary to the Board

FINAL DATE OF ORDER: 6-6-77

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Rehearing of Application No. 12288 of Thomas Quimby, for a variance from the rear yard requirements (Sub-section 3304.1 and Paragraph 7107.22) to allow an addition to a dwelling which is a non-conforming structure in the R-1-B District at the premises 3401 - 34th Street, N.W., (Square 2076, Lot 51).

HEARING DATE: September 21, 1977
DECISION DATE: October 11, 1977

FINDINGS OF FACT:

1. This application was first heard by the Board of Zoning Adjustment on January 25, 1977, and it was decided on February 8, 1977. By BZA Order No. 12288, dated June 6, 1977, the Board denied the application by a Vote of 3-1 (Lilla Burt Cummings, William F. McIntosh and Richard L. Stanton to Deny, Leonard L. McCants to Grant).

2. On June 20, 1977, applicant filed a motion for a reconsideration/rehearing based on error on the part of the Board and also based on new evidence not available at the time of hearing.

3. The Board at its Executive Session of August 3, 1977, granted applicant's motion and granted a rehearing scheduled for September 21, 1977.

4. The property is located in an R-1-B District.

5. Applicant proposes to construct a covered deck on the rear of his house, which would extend 12.5 feet from the east wall of the living room and be 5 feet above grade. For the Board to approve this proposed design it would have to grant variances for the super structure overhang and the height above grade.

6. The required rear yard in an R-1-B District is twenty five feet. The existing house has a non-conforming yard of 18.50 feet. The addition which provide a rear yard of ten feet, requiring a variance of fifteen feet, as shown on Exhibit No. H-1.

7. The applicant also submitted two other proposals. Proposal one would provide a 7.6 foot wide deck which would be conforming, if the level of the deck was reduced from 5 feet to 4 feet above grade. The applicant stated that this proposal would be unsatisfactory because the deck would be too narrow and because the deck would be below the level of the first floor of the house.

8. Proposal number two would conform to the Zoning Regulations and would provide a 12.5 foot wide deck with a height of four feet above grade. There would be no super structure over the deck. The applicant stated that this proposal is unsatisfactory since the lack of a super structure would provide no protection from the sun and the deck would again be below the level of the first floor.

9. The design of the structure requested would be compatible with the victorian architecture of the house and the character of the neighborhood.

10. There was no opposition to the application. Applicant's neighbors to the right and left of the subject property approved the application.

CONCLUSIONS OA LAW:

The Board concludes that the requested variance is an area variance, the granting of which requires the showing of practical difficulty. Based on the record the Board concludes that strict compliance with the Zoning Regulations would present practical difficulties arising from the nature of the property upon the owner of the property. The Board further concludes that the granting of the application would not create any adverse affect on the line of neighboring property. Accordingly, it is therefore ORDERED that BZA Order No. 12288, dated June 6, 1977 is hereby RESCINDED, and the application is hereby GRANTED.

VOTE: 5-0 (Chloethiel Woodard Smith, John G. Parsons,
William F. McIntosh, Charles R. Norris and
Leonard L. McCants).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:



STEVEN E. SHER
Executive Director

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX
MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY
PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY
DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE
DATE OF THIS ORDER.

FINAL DATE OF ORDER: 18 OCT 1977